



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/750,030	12/31/2003	Jud C. Staniar	2348.0050000	9242
53636 7590 02/27/2008 STERNE, KESSLER, GOLDSTEIN & FOX, P.L.L.C. 1100 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005-3934				
EXAMINER				
HOLLY, JOHN H				
ART UNIT		PAPER NUMBER		
3694				
MAIL DATE		DELIVERY MODE		
02/27/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/750,030

Applicant(s)

STANIAR ET AL.

Examiner

JOHN H. HOLLY

Art Unit

3694

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 November 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)
- 3) ☐ Information Disclosure Statement(s) (PTO/SE/US)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of 35 U.S.C. 102(b) which reads as follows:
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
2. Claims 1- 3, 6 – 8, 10 – 12 and 15 - 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Dean W. Hahn-Carlson (Pub. # US 2007/0055582 A1 – herein referred to as Hahn-Carlson).

As per claim 1,

Hahn-Carlson disclosed a method for processing a payment from a financial account, comprising:

receiving, from a buyer having a financial account, an identification of a supplier's invoice including an invoiced amount (page 6, paragraph [0051]); and a payment term selected by the supplier (page 3, paragraph [0030]);

receiving an approval to pay the supplier's invoice using the financial account (page 9, paragraph [0077]); and providing to the supplier, a payment in accordance with the selected payment term, the payment based on the invoiced amount and the selected payment term (page 1, paragraph [0005]); (page 9, paragraph [0074]).

As per claim 2,

Hahn-Carlson disclosed the method of claim 1, the financial account comprising a credit account (page 9, paragraph [0079]).

As per claim 3,

Hahn-Carlson disclosed the method of claim 2, the credit account comprising a corporate purchasing account (page 11, paragraph [0092]).

Art Unit: 3694

As per claim 6,

Hahn-Carlson disclosed the method of claim 1, the payment comprising an amount equal to the invoiced amount less a flat transaction fee and a risk intermediation fee (page 7, paragraph [0060]).

As per claim 7,

Hahn-Carlson disclosed the method of claim 6, wherein the flat transaction fee is not based on the invoiced amount (page 10, paragraph [0082]).

As per claim 8,

Hahn-Carlson disclosed the method of claim 6, the risk intermediation fee comprising a percentage of the invoiced amount (page 7, paragraph [0058]).

As per claim 10,

Hahn-Carlson disclosed the method of claim 1, the payment comprising an amount equal to the invoiced amount less a flat transaction fee, a risk intermediation fee and a financing fee (pages 9 - 10, paragraph [0081]).

As per claim 11,

Hahn-Carlson disclosed the method of claim 10, the financing fee comprising a percentage of the invoiced amount, the percentage based on the payment term (page 7, paragraph [0058]).

As per claim 12,

Hahn-Carlson disclosed the method of claim 11, wherein the percentage decreases as the payment term increases (pages 10, paragraph [0082]).

As per claim 15,

Hahn-Carlson disclosed the method of claim 10, the risk intermediation fee comprising a first percentage of the invoiced amount, the financing fee comprising a second

Art Unit: 3694

percentage of the invoiced amount, wherein the second percentage is greater than the first percentage (pages 10, paragraph [0084]).

As per claim 16,

Hahn-Carlson disclosed the method of claim 1, further comprising:
receiving, from the supplier, a change to the payment term after the approval, said payment provided based on the change to the payment terms
(pages 6, paragraph [0052]).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 4, 5, 17 and 18 are rejected under 35 U.S.C. 103(a) as being obvious over Dean W. Hahn-Carlson (Pub. # US 2007/0055582 A1 – herein referred to as Hahn-Carlson) in view of Alexandra J. Adrian (Pub. # US 2005/0027654 A1 – herein referred to as Adrian).

As per claim 4,

Hahn-Carlson disclosed the method of claim 1, wherein the payment term comprises from a specific contract period of time from a date of the approval of the invoice.

Art Unit: 3694

However, Hahn-Carlson does not disclosed the method of claim 1, wherein the payment term comprises from a period from at least three days to at most one month from a date of the approval of the invoice.

In a similar field of endeavor, Adrian disclosed the method of claim 1, wherein the payment term comprises from a period from at least three days to at most one month from a date of the approval of the invoice (page 3, paragraph [0015]).

In light of the teaching of Adrian, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of Hahn-Carlson wherein the payment term comprises from a period from at least three days to at most one month from a date of the approval of the invoice as recited in claim 4.

This modification would provide a method for better sales, cash flow and bottom line within a short period of time. Improved cash flow and could eliminate bad debt expense and remove the unseen administrative costs related to doing business with non-paying customers.

As per claim 5,

Hahn-Carlson disclosed the method of claim 1, wherein the payment term comprises from a specific contract period of time from a date of the approval of the invoice.

However, Hahn-Carlson does not disclosed the method of claim 1, wherein the payment term must be one of three days from a date of the approval of the invoice; fifteen days from the date of the approval of the invoice; and thirty days from the date of the approval of the invoice.

In a similar field of endeavor, Adrian disclosed the method of claim 1, wherein the payment term must be one of three days from a date of the approval of the invoice

Art Unit: 3694

(page 3, paragraph [0015]); fifteen days from the date of the approval of the invoice (page 3, paragraph [0015]); and thirty days from the date of the approval of the invoice (page 3, paragraph [0014]).

In light of the teaching of Adrian, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of Hahn-Carlson wherein the payment term must be one of three days from a date of the approval of the invoice; fifteen days from the date of the approval of the invoice; and thirty days from the date of the approval of the invoice as recited in claim 5.

This modification would provide a method for better sales, cash flow and bottom line within a short period of time. Improved cash flow and could eliminate bad debt expense and remove the unseen administrative costs related to doing business with non-paying customers.

As per claim 17,

Hahn-Carlson disclosed the method of claim 16, further comprising: charging the supplier a flat transaction fee (pages 10, paragraph [0082]).

However, Hahn-Carlson does not disclosed the method of claim 16, further comprising: charging the supplier a flat transaction fee, a risk intermediation fee comprising a first percentage of the invoiced amount, and a financing fee comprising a second percentage of the invoiced amount, the second percentage based on the change to the payment term.

In a similar field of endeavor, Adrian disclosed the method of claim 16, which further comprising:

charging the supplier a flat transaction fee, a risk intermediation fee comprising a first percentage of the invoiced amount, and a financing fee comprising a second

Art Unit: 3694

percentage of the invoiced amount, the second percentage based on the change to the payment term (pages 2, paragraph [0011]).

In light of the teaching of Adrian, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of Hahn-Carlson wherein it would further comprising:

charging the supplier a flat transaction fee, a risk intermediation fee comprising a first percentage of the invoiced amount, and a financing fee comprising a second percentage of the invoiced amount, the second percentage based on the change to the payment term as recited in claim 17.

This modification would provide a method for tracking the changes in invoices and the payment terms on these invoices. As well as, take care of the overhead costs associated with changes in payment terms of the invoices.

As per claim 18,

Hahn-Carlson discloses the method of claim 1, further comprising:

charging the invoiced amount to the financial account (page 6, paragraph [0054]).

However, Hahn-Carlson does not disclose the method of claim 1, further comprising:

charging the invoiced amount to the financial account based on the approval.

In a similar field of endeavor, Adrian disclosed the method of claim 1, further comprising:

charging the invoiced amount to the financial account based on the approval (page 1, paragraph [0010]).

In light of the teaching of Adrian, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of Hahn-Carlson in view of Adrian wherein, further comprising:

Art Unit: 3694

charging the invoiced amount to the financial account based on the approval as recited in claim 18.

This modification would provide a method for better credit and cash flow management for the seller and buyer of products or services. This business payment system also provides a collaborative platform for the buyer and the financial institution.

5. Claims 9, 13 and 14 are rejected under 35 U.S.C. 103(a) as being obvious over Dean W. Hahn-Carlson (Pub. # US 2007/0055582 A1 – herein referred to as Hahn-Carlson) in view of Alexandra J. Adrian (Pub. # US 2005/0027654 A1 – herein referred to as Adrian) and further in view of William Roland Hartley-Urquhart (Pat. # US 6,167,385 – herein referred to as Hartley-Urquhart).

As per claim 9,

Hahn-Carlson in view of Adrian discloses contracts relating to fee percentages (page 7, paragraph [0058]).

However, Hahn-Carlson in view of Adrian does not disclose the method of claim 8, wherein the percentage comprising ten basis points.

In a similar field of endeavor, Hartley-Urquhart disclosed the method of claim 8, wherein the percentage comprising ten basis points (col. 6, lines 4 - 25).

In light of the teaching of Hartley-Urquhart, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of Hahn-Carlson in view of Adrian wherein the percentage comprising ten basis points as recited in claim 9.

Art Unit: 3694

This modification would provide a method for better sales, cash flow and bottom line within a short period of time. Improved cash flow and could eliminate bad debt expense and remove the unseen administrative costs related to doing business with non-paying customers.

As per claim 13,

Hahn-Carlson in view of Adrian discloses contracts relating to fee percentages (page 7, paragraph [0058]).

However, Hahn-Carlson in view of Adrian does not disclose the method of claim 12, said percentage being from eighty basis points to zero basis points based on the payment term.

In a similar field of endeavor, Hartley-Urquhart disclosed the method of claim 12, said percentage being from eighty basis points to zero basis points based on the payment term (cols. 2, lines 66 - 67).

In light of the teaching of Hartley-Urquhart, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of Hahn-Carlson in view of Adrian wherein, said percentage being from eighty basis points to zero basis points based on the payment term as recited in claim 13.

This modification would provide a method for better sales, cash flow and bottom line within a short period of time. Improved cash flow and could eliminate bad debt expense and remove the unseen administrative costs related to doing business with non-paying customers.

As per claim 14,

Hahn-Carlson in view of Adrian discloses contracts relating to fee percentages (page 7, paragraph [0058]).

However, Hahn-Carlson in view of Adrian does not disclose the method of claim 11, said percentage comprising one of." zero basis points for a thirty day payment term, forty basis points for a fifteen-day payment term, and eighty basis points for a three-day payment term.

In a similar field of endeavor, Hartley-Urquhart disclosed the method of claim 11, said percentage comprising one of." zero basis points for a thirty day payment term, forty basis points for a fifteen-day payment term, and eighty basis points for a three-day payment term (cols. 6, lines 12 - 25).

In light of the teaching of Hartley-Urquhart, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of Hahn-Carlson in view of Adrian wherein, said percentage comprising one of." zero basis points for a thirty day payment term, forty basis points for a fifteen-day payment term, and eighty basis points for a three-day payment term as recited in claim 14.

This modification would provide a method for better sales, cash flow and bottom line within a short period of time. Improved cash flow and could eliminate bad debt expense and remove the unseen administrative costs related to doing business with non-paying customers.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JOHN H. HOLLY whose telephone number is (571)270-3461. The examiner can normally be reached on Mon. - Fri. 8 AM to 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James P. Trammell can be reached on (571)272-6712. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/J. H. H./

Examiner, Art Unit 3694

/James P Trammell/

Supervisory Patent Examiner, Art Unit 3694